

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JEHO KIM, on behalf of himself and a class and collective of similarly situated individuals,

Plaintiff,

-v-

ANYTIME SOJU INC, 112 WEST INC., and  
SEUNGEUN JEONG, in their individual and professional capacities,

Defendants.

CIVIL ACTION NO.: 22 Civ. 7049 (JMF) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

Before the Court is the motion of Plaintiff Jeho Kim (“Kim”) requesting adjournment of the settlement conference scheduled for October 27, 2022. (ECF No. 17 (the “Motion”); see ECF No. 16 (the “Scheduling Order”)). As grounds for the adjournment, Kim asserts that Defendants Anytime Soju Inc, 112 West Inc., and Seungeun Jeong (“Defendants”) operate various businesses that “are connected as ‘Sister Locations’” and employ “common policies and practices that . . . willfully deny[] their employees minimum wage pay and overtime pay.” (ECF No. 17 at 1).

Defendants oppose the Motion, arguing Kim has violated the Scheduling Order by failing to make a timely settlement demand as required by the Scheduling Order, for which Defendants seek sanctions, including reasonable attorneys’ fees and costs for reviewing and responding to the Motion. (ECF No. 19 at 1). Defendants also dispute Kim’s contention that the businesses are interrelated, and, in fact, dispute that Kim ever worked for two of the businesses. (Id. at 2). Defendants state that they have served a Rule 11 Safe Harbor Letter on Kim and his counsel, following which they “intend to move for Rule 11 sanctions against [Kim] and his counsel.” (Id.)

Defendants do not indicate any willingness to engage in settlement negotiations at this time.

(See id.)

Without determining the merits of the parties' assertions about Kim's employment or the interrelatedness of Defendants' businesses, issues that are not before me (see ECF No. 10), the parties' submissions demonstrate that a settlement conference would not be a productive use of the Court's resources at this time. Accordingly, the Motion is GRANTED and the settlement conference scheduled for October 27, 2022 is ADJOURNED sine die. I will monitor the docket to assess when a settlement conference would be productive, and, of course, the parties are welcome to request a settlement conference at any time by filing a joint letter on the docket.

Dated: New York, New York  
October 20, 2022

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge